
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

DAWN PERREAULT,

Plaintiff,

v.

AMERICAN MEDICAL SYSTEMS, INC.,

Defendant.

NOTICE OF PENDING CONSENT AND
MEMORANDUM DECISION AND
ORDER DENYING WITHOUT
PREJUDICE MOTION FOR PARTIAL
SUMMARY JUDGMENT AND MOTION
TO EXCLUDE CASE-SPECIFIC
OPINIONS

Case No. 2:20-cv-00110-DBP

Magistrate Judge Dustin B. Pead

This matter was originally filed in the Southern District of West Virginia and is related to a number of other cases that are part of multi district litigation 2325. (ECF No. 36.) Following consolidated discovery, a group of 39 cases were transferred to the appropriate jurisdiction. The court received this case on February 20, 2020 and it was randomly assigned to the undersigned awaiting consent of the parties pursuant to [Fed. R. Civ. P. 73](#). (ECF No. 39.) Judge Goodwin, from the transferring court, urged “the receiving court to immediately set these cases for trial without reopening discovery.” *Id.*

Prior to the transfer of this case, Defendant American Medical Systems (AMS) filed two motions in the Southern District of West Virginia. AMS filed a Motion for Partial Summary Judgment (ECF No. 28.) and a Motion to Exclude the Case-Specific Opinions and Testimony of Ralph Zipper, M.D. (ECF No. 30.) Because this matter is pending consent of the parties, the court cannot act on these particular motions until the consent matter is resolved. Accordingly, the court DENIES WITHOUT PREJUDICE these pending motions. After the consent issue is

resolved, the court will establish a schedule for the filing of any necessary motions, including those that need to be renewed.

In accordance with this court's [General Order 11-001](#) and [Fed. R. Civ. P. 73](#), the parties are given notice that this case is assigned to a magistrate judge. To consent or request reassignment, use the [form on this link](#) and send it to consents@utd.uscourts.gov within 30 days or to the court with Attention: Consent Clerk on the envelope. Please note that no judge will be informed of a party's response unless all parties have consented to the assignment of the matter to a U.S. Magistrate Judge. Unless consents from all parties are received within thirty (30) days, the case will be randomly re-assigned to a U.S. District Judge without further notice.

ORDER

Based upon the foregoing it is hereby ORDERED that:

Defendant's Motion for Partial Summary Judgment (ECF No. 28.) is DENIED WITHOUT PREJUDICE; and

Defendant's Motion to Exclude the Case-Specific Opinions and Testimony of Ralph Zipper, M.D. (ECF No. 30.) is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the parties are to follow the consent process as set forth above.

IT IS SO ORDERED.

DATED this 27 March 2020.



Dustin B. Pead
United States Magistrate Judge